

invention. Accordingly, claims 13, 14, 16, 17, 19, and 31-33 are currently at issue.

Applicants respectfully traverse the rejection of claim 13 under 35 USC 102(b) as anticipated by Larinoff 5,467,816. The rejection is based upon either a misunderstanding of Larinoff or of claim 13.

More specifically, claim 13 recites a plurality of plate fins, each having a plurality of opened ended tube run receiving slots, one for each tube run of a plurality of generally parallel tube runs in spaced relation to one another. Contrary to the assertion in the rejection of claim 13, Larinoff fails to show this structure. Rather, Larinoff shows a fin structure 12 having only a single tube receiving slot. Indeed, this single slot design is one of the primary focuses of Larinoff because of the clamping ability of the "U-shaped fin". A rejection under 35 USC 102(b) is improper unless every limitation of the claim is shown by the reference. Clearly, Larinoff fails in this regard. Accordingly, for this reason alone, the rejection of claim 13 is improper and should be withdrawn.

The Office Action summary sheet indicates that claims 14, 16, 17, 19, and 31-33 are rejected, but there is no stated rejection of these claims in the Office Action. Claims 14, 17, 19 and 31-33 are discussed in the Office Action immediately beneath the rejection of claim 13 based on Larinoff, with assertions that Larinoff discloses the structure shown in these claims.

To the extent that there may be a rejection of claims 14, 17, 19 and 31-33 based upon Larinoff, that rejection is traversed for the following reasons.

With respect to claims 14, 17, and 19, all of these claims depend from claim 13 and any rejection of these claims would be improper for the reasons discussed above in connection with claim 13.

With respect to claims 31-33, claim 31 recites a plurality of elongated plate fins each having a plurality of elongated, aligned tube runs receiving slots with the slots opening to an elongated edge of the fins, one for each of a plurality of generally parallel tube runs in spaced relations to one another. Again, as noted above in connection with claim 13, Larinoff fails to disclose a fin having a plurality of tube receiving slots. Rather, Larinoff shows a U-shaped fin having only a single tube receiving slot. Accordingly, for this reason alone, any rejection of claims 31-33 based upon Larinoff would be improper.

With respect to claim 16, claim 16 is not discussed beneath the rejection of claim 13, but if rejected, would be allowable for the reason stated in connection with claim 13.

It is believed that claims 13 and 31-33 are generic to all embodiments disclosed in the case. In view of the apparent allowability of claim 13 for the reason stated above, an action on the merits of claims 15, 18, and 21-30 should be in order.

In view of the foregoing, Applicants respectfully request reconsideration of the rejection of claim 13, as well as any unstated rejections of claims 14, 16, 17, 19, 20, and 31-33, consideration of claims 15, 18, and 21-30, and allowance of the case.

Respectfully submitted,

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